

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Original Jurisdiction

Dated: Nainital: the 3rd **day of** July, 2002

Criminal Misc. Bail Application No. 573 of 2002

Order on the Bail Application of the accused –Brahmpal S/o Data Ram and Amrish S/o Sompal, R/o village Tikola Khala, P.S. Manglore, district Haridwar.

CRIMINAL SIDE

Brahmpal S/o Data Ram and Amrish S/o Sompal, R/o village Tikola Kala, P.S. Manglore, district Haridwar.

.....Accused

Versus

State of Uttaranchal.

.....Opposite Party

Arising out of Case Crime No 153 of 2002

Under Section 323/324/504/506/302 I.P.C.

Police Station- Manglore district Haridwar

By the Court

Hon'ble Irshad Hussain, J.

Heard learned counsel for the applicant and the learned A.G.A. and Sri S.P.S. Panwar for the complainant.

According to the prosecution case, the applicants Brahmpal and Amrish wielded blunt objects, namely, Moosal and Lathi in assaulting the deceased Suresh along with others. Not a single injury of blunt object was detected on the person of the deceased Suresh. There are other injured, namely, Sandip and Vasendra. Injury reports are annexed with the supplementary affidavit. It was pointed out that the injuries sustained as per injury reports are superficial in nature. Perusal of the injury reports does not belie the contention of the learned counsel for the applicants. Attention was drawn to annexure 6, a complaint said to have been made on 6.6.2002 from the side of the accused. The learned counsel for the complainant submitted that by this complaint there is admission of the occurrence and also presence of the injured of the other side, namely, Om Pal. Perusal of this complaint does not indicate that the present applicants were also present at the time of any incident said to have taken place. Considering the totality of the circumstances and since no injury was detected of blunt object on the person of the deceased Suresh, I find it a fit case for bail.

Let the accused applicants Brahmpal S/o Data Ram and Amrish S/o Sompal, R/o village Tikola Kala, P.S. Manglore, district Haridwar be released on bail in case crime no. 153 of 2002 Under Sections 323/324/504/506/302 I.P.C. Police Station- Manglore district Haridwar on each of them executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of Addl. C.J.M. Roorkee.

(Irshad Hussain, J.)

July 03, 2002.

M.P.S.

